

REMARKS/ARGUMENTS

Claims 1, 3-14, 16-41, 43-55, 59-70, 72-82, 84-108, 110-121 and 123-158 remain pending in this application. Claims 1, 70, 85, 86, 136, 143 and 151 have been amended. Claims 2, 15, 42, 48, 56-58, 71, 83, 109 and 122 were previously cancelled.

Claim Rejections – 35 USC § 103 – Chadda, Gulla and W. Fuller

Claims 1, 3-8, 14, 20-21, 43, 46-47, 49-55, 59-61, 70, 72-82, 87-88, 110, 113-121, 123-126 and 151-158 are rejected under 35 USC § 103 as being unpatentable over Buhro (US 5,440,336), in view of Chadda (US 6,266,817), Gulla (WO 97/06637) and W. Fuller (US 5,818,512). Applicant respectfully traverses the rejection to the extent such rejection may apply to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested any rational reason to arrive at the claimed invention.

For example, the applied references lack any teaching to suggest an apparatus for distribution of image, of either still or motion type, and audio information to a plurality of viewing locations, comprising means for independently receiving, at each of the plurality of viewing locations, at least one compressed and encrypted image file, which is associated with at least one corresponding image program, and a plurality of compressed and encrypted audio files, which are associated with a plurality of corresponding audio programs, for presentation at one or more preselected later times, wherein the at least one compressed and encrypted image file is associated with the plurality of compressed and encrypted audio files based on at least one identifier for each of the at least one compressed and encrypted image file and the plurality of compressed and encrypted audio files, as required by Applicant's currently amended claim 1.

The applied references also lack any teaching to suggest the apparatus further comprising means for independently storing the compressed and encrypted image and audio files in a storage system included within each of the plurality of viewing locations, means for independently distributing the compressed and encrypted image and audio files from the storage system to at least one auditorium included within each of the plurality of viewing locations based on the at least one identifier and means for independently receiving the compressed and encrypted image and audio files in each of the auditoriums, as required by Applicant's currently amended claim 1.

The applied references further lack any teaching to suggest the apparatus also comprising means for independently decrypting the compressed and encrypted image and audio files in each of the auditoriums, resulting in at least one compressed image file and a plurality of compressed audio files, means for independently decompressing the compressed image and audio files in each of the auditoriums, resulting in the at least one corresponding image program and the plurality of corresponding audio programs, at least one projection system included within each of the auditoriums for receiving the at least one corresponding image program and presenting the at least one corresponding image program at the at least one preselected later time, and at least one sound system in each auditorium for receiving the plurality of corresponding audio programs and selectively playing at least one of the plurality of corresponding audio programs during the presentation of the corresponding image program, as required by Applicant's currently amended claim 1.

In particular, Applicant submits that the applied references are silent with respect to an apparatus comprising means for independently *receiving* a plurality of compressed and encrypted audio files, as required by Applicant's claim 1. Further still, Applicant notes that the applied references fail to teach or suggest that the plurality of compressed and encrypted audio files are associated with a plurality of corresponding audio programs, also as required by Applicant's claim 1. Specifically, Applicant submits that each of the plurality of audio files disclosed by the applied references are associated with the same audio program (singular) and not associated with a *plurality* of audio programs. Applicant also contends that the Examiner overlooks substantive limitations when suggesting that the applied references disclose *at least one sound system in each auditorium* for receiving the plurality of corresponding audio programs and selectively playing at least one of the plurality of corresponding audio programs during the presentation of the corresponding image program, as required by Applicant's claim 1.

In addressessing Applicant's limitation of requiring means for independently receiving a plurality of compressed and encrypted audio files, the Examiner suggested that column 11, lines 26-42 of the Chadda reference disclosed this limitation. The Examiner explained that this cited portion teaches that "the audio files may at least be stored and/or transmitted as either low quality or high quality tracks, which reads on the claimed subject matter." Applicant disagrees.

Applicant submits that Chadda neither teaches nor suggests any means for independently receiving a plurality of encrypted and compressed audio files. Column 11, lines 26-42 of Chadda generally discloses a delivery system that transmits an audio track across the network as an entity separate from the video stream. Chadda, in the cited portion, continues to explain that the server can store "separate high and low quality audio tracks, and transmit the audio track selected by the user." In other words, Chadda teaches to a delivery system that stores multiple audio tracks but only transmits a single one of the multiple audio tracks selected by the user. The decoder then receives only the single audio track selected by the user from the delivery system, not a plurality of compressed and encrypted audio files, as required by Applicant's currently amended claim 1. In this respect, Chadda neither teaches nor suggest means for independently *receiving* a plurality of compressed and encrypted audio files, as required by Applicant's currently amended claim 1.

Applicant submits further that the applied references fail to teach or suggest that the plurality of compressed and encrypted audio files are associated with a plurality of corresponding audio programs, as required by Applicant's claim 1. The Examiner apparently glosses over this requirement when traversing this limitation of Applicant's claimed invention. With respect to the rejection of claim 1, for example, the Examiner provides no basis other than limited references to Buhro and Chadda in support of the rejection of claim 1. Applicant again disagrees with the Examiner's rejection of claim 1 insofar as the Examiner has failed to address the limitation of claim 1 that requires the plurality of compressed and encrypted audio files to be associated with a plurality of corresponding audio programs.

While no particular portion of Buhro or Chadda were cited as directly teaching or even suggesting this limitation, Applicant notes that the Examiner cites the above portion of Chadda in support of the *plurality* of encrypted and compressed audio file limitation. Applicant presumes this reliance on Chadda occurs as a result of Buhro's lacks of disclosure regarding this limitation. Whether true or not, Applicant notes that Chadda, in column 11, lines 26-42, discusses separate low and high audio tracks. Applicant assumes the Examiner is attempting to suggest that these separate audio tracks represent separate audio programs. Applicant disagrees, contending that Applicant's required plurality of

corresponding audio programs refers to different audio tracks not to, as suggested by Chadda, different encodings of the same audio track.

To illustrate, Chadda teaches that the “audio format supports multiple data formats from 8 KHz telephony quality ... to 48 KHz stereo quality audio ...”¹ Chadda then suggest that the server may store separate high and low quality audio tracks, which represent multiple audio files of the same underlying audio program. The only difference between the Chadda audio tracks is that one uses a high quality data format while the other uses a low quality data format. In each instance, however, both of the Chadda audio tracks are generated from or represent a different encoding of the same audio program.

Yet, Applicant’s invention, as set forth in claim 1, requires that the multiple audio files are associated with a plurality of corresponding audio programs, which is distinctly different from multiple audio files associated with a single audio program, as is specifically taught by Chadda. Applicant’s invention may therefore enable, as described on page 24, line 20-24 of Applicant’s specification, different audio programs to be combined with an image program for various reasons, such as varying languages, providing post-release updates or program changes, to fit within local community standards, and so forth. The Chadda teachings, however, would enable no such benefits. Furthermore, the teachings of Buhro cited by the Examiner do not overcome this Chadda deficiency. As a result, Applicant submits that the applied references fail to teach or suggest that the plurality of compressed and encrypted audio files are associated with a plurality of corresponding audio programs, as required by Applicant’s claim 1.

Applicant also contends that the Examiner overlooks substantive limitations when suggesting that the applied references disclose **at least one sound system in each auditorium** for receiving the plurality of corresponding audio programs and selectively playing at least one of the plurality of corresponding audio programs during the presentation of the corresponding image program, as required by Applicant’s claim 1. In other words, not only are the plurality of corresponding audio programs received as the plurality of encrypted and compressed audio files, but a sound system in each auditorium also receives the *plurality* of audio programs and *selectively* plays at least one of these audio programs. Chadda fails to teach or suggest even so much as receiving the plurality of audio files, much

¹ Column 11, line 28-33.

less that a sound system in each auditorium receives the plurality of corresponding audio programs and selectively plays at least one of these audio programs, as required by Applicant's currently amended claim 1.

The Examiner apparently relies on the combination of Chadda, Buhro and Gulla as teaching a sound system in each auditorium that receives the plurality of corresponding audio programs and selectively plays at least one of these audio programs. The Examiner explains that Gulla provides a teaching of transmitting motion picture via a satellite transmission to a cinema-hall, which may include a multi-room cinema hall. Yet, Gulla lacks any teaching to overcome the deficiencies noted above with respect to Chadda and Buhro, and specifically lacks any teaching to suggest that a sound system in each auditorium receives the plurality of corresponding audio programs and selectively plays at least one of the plurality of corresponding audio programs during the presentation of the corresponding image program, as required by Applicant's currently amended claim 1.

With respect to independent claim 70, Applicant submits that this currently amended claim 70 recites substantially similar limitations to those of claim 1. In this regard, Applicant contends that the arguments made above with respect to claim 1 also apply to claim 70.

For example, the applied references fail to teach or suggest a method for distribution of image, of either still or motion type, and audio information to a plurality of viewing locations comprising independently receiving, at each of the plurality of viewing locations, at least one compressed and encrypted image file, which is associated with at least one corresponding image program, and a plurality of compressed and encrypted audio files, which are associated with a plurality of corresponding audio programs, for presentation at at least one preselected later time, wherein the at least one compressed and encrypted image file and the plurality of compressed and encrypted audio files are all associable using at least one identifier for each of the at least one compressed and encrypted image file and the plurality of compressed and encrypted audio files, as required by Applicant's currently amended claim 70.

The applied references also fail to teach or suggest the method further comprising independently storing in a storage system included within each of the plurality of viewing locations the compressed and encrypted image and audio files, independently distributing the compressed and encrypted image and audio files from the storage system to at least one

auditorium included within each of the plurality of viewing locations based on the at least one identifier, independently receiving the compressed and encrypted image and audio files in each auditorium and independently decrypting the compressed and encrypted image and audio files in each of the auditoriums, resulting in at least one compressed image file and a plurality of compressed audio files, as required by Applicant's currently amended claim 70.

The applied references further fail to teach or suggest the method also comprising independently decompressing the compressed image and audio files in each of the auditoriums, resulting in the at least one corresponding image program and the plurality of corresponding audio programs, receiving the at least one corresponding image program at least one projection system in each of the auditoriums and presenting the at least one corresponding image program at the at least one preselected later time, and receiving the plurality of corresponding audio programs at at least one sound system in each auditorium and selectively playing at least one of the plurality of corresponding audio programs during the presentation of the corresponding image program, as required by Applicant's currently amended claim 70.

With respect to claim 151, Applicant has amended claim 151 to require that the digital image information comprise an image program, the audio information comprises a plurality of audio programs and the image program is associated with the plurality of audio programs. Considering this currently amended claim 151 in light of the arguments made above with respect to claim 1, Applicant submits that the applied references fail to teach or suggest these limitations added by amendment to claim 151. As a result, Applicant submits that the applied references fail to teach or suggest the digital cinema system of currently amended claim 151.

Applicant further submits that the above arguments made with respect to independent claims 1, 70 and 151 apply to claims 3-8, 14, 20-21, 43, 46-47, 49-55, 59-61, 72-82, 87-88, 110, 113-121, 123-126 and 152-158 by virtue of these claims depending from independent claims 1, 70 and 151.

Claim Rejections – 35 USC § 103 – Chadda, Gulla, W. Fuller and Banker

Claims 16-19, 44-45, 84-86 and 111-112 are rejected under 35 USC § 103 as being unpatentable over Buhro (US 5,440,336), in view of Chadda (US 6,266,817), Gulla (WO 97/06637) and W. Fuller (US 5,818,512), and further in view of Banker (US

6,005,938). Applicant respectfully traverses the rejection to the extent such rejection may apply to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested a rational reason to arrive at the claimed invention.

Applicant notes initially that each of these claims 16-19, 44-45, 84-86 and 111-112 depend from one of the above described independent claims 1 and 70. Rather than reiterate the arguments above with respect to these claims, Applicant directs the Examiner to consider first the arguments made above with respect to independent claims 1 and 70. Applicant notes that Banker does not overcome the deficiencies noted above with respect to these independent claims 1 and 70. Banker is directed to a technique for preventing replay attacks on digital information distributed by network service providers not to techniques for transmission of a plurality of audio files associated with a single image file.² Banker, at best, is silent with respect to this limitation and therefore fails to cure the deficiencies noted above with respect to Applicant's claims 1 and 70. As a result, Applicant submits that the applied references fail to teach or suggest the limitations recited by each of claims 16-19, 44-45, 84-86 and 111-112.

Claim Rejections – 35 USC § 103 – W. Fuller, Songer, Banker and Chadda

Claims 9-13, 22-41, 62-69, 89-108 and 127-150 are rejected under 35 USC § 103 as being unpatentable over W. Fuller (US 5,818,512) in view of Songer (US 5,696,560) Banker (US 6,005,938) and Chadda (US 6,266,817). Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested a rational reason to arrive at the claimed invention.

Again, Applicant notes initially that independent claims 136 and 143 have each been amended to require that the digital image information comprise an image program, the audio information comprises a plurality of audio programs and the image program is associated with the plurality of audio programs. In this respect, Applicant has amended claims 136 and 143 in a manner similar to that of currently amended claim 151 and submits

² Abstract.

that by virtue of these amendments, the arguments made above with respect to currently amended claim 151 apply to currently amended claims 136 and 143. Applicant contends that Songer does not overcome the deficiencies noted above with respect to currently amended claim 151.

Applicant notes that the Examiner primarily relies on Songer for its disclosure regarding satellite transmission (*See, e.g.*, the Examiner's rejection of Applicant's claim 94, 105, 106, etc.) and distribution of media on a transportable medium (*See, e.g.*, the Examiner's rejection of claim 129). Applicant submits that the portions of Songer cited with respect to these rejections fail to overcome the deficiencies of the applied references noted above with respect to claims 1, 70 and 151. Moreover, Songer as a whole is directed to an improved motion picture distribution system that provides a high quality motion system compatible with pre-existing NTSC systems.³ In no way, however, does Songer provide any teaching that would have suggested even a plurality of audio programs, much less an image program that is associated with the plurality of audio programs, as required by Applicant's currently amended claim 136 and 143. In this respect, the applied references, therefore, fail to teach or suggest the invention set forth by Applicant's currently amended claim 134 and 143.

As claims 9-13, 22-41, 62-69, 89-108 and 127-135, 137-142 and 144-150 depend from independent claims 1, 70, 136 and 143, Applicant submits that by virtue of this dependence, the arguments made above with respect to independent claims 1, 70, 136 and 143 apply to dependent claims 9-13, 22-41, 62-69, 89-108 and 127-135, 137-142 and 144-150.

For at least these reasons, the Examiner has failed to establish a *prima facie* case for non-patentability of Applicant's claims 1, 3-14, 16-41, 43-55, 59-70, 72-82, 84-108, 110-121 and 123-158 under 35 U.S.C. 103(a). Withdrawal of this rejection is requested.

³ Abstract.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

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